## REMARKS

The present Amendment and Response is responsive to the Non-final Office Action mailed June 19, 2007. Claims 1-17 remain pending in this application. Dependent Claims 5 and 9 have been amended. Applicant respectfully submits that no new matter has been added by the foregoing amendments. Reconsideration of the application, as amended, is requested in view of the following remarks.

Applicant would like to request a Telephonic Interview with Examiner Pham in order to discuss the distinctions between the claimed invention and the cited art of record. Applicant was unable to schedule a Telephonic Interview prior to the deadline for filing the present Response because the Examiner was unavailable; however, the Applicant would greatly appreciate the opportunity to discuss the patentability of the claimed invention with the Examiner. Applicant requests that Examiner Pham postpone consideration of the present Amendment and Response until after an Interview can be conducted.

## Rejection of Claims 1-18 Under 35 U.S.C. § 102(b)

In the Non-final Office Action, Claims 1-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,134,338 to *Solberg* et al. ("*Solberg*"). However, the Applicant respectfully contends that the claimed invention is not anticipated by *Solberg* and, therefore, is in condition for allowance.

Description of the Solberg Reference

*Solberg* relates to a computer automated system and method of converting a digitized raster image of a scanned source document bearing alphanumeric text relating to a plurality of physical dimensions and to a plurality of edges into a mathematically accurate three dimensional view or architectural plan (See *Solberg* at Abstract and column 10, 42-48). A computer useable raster image having a plurality of drawing views of a three dimensional object is acquired from a source document by a scanner (See *Solberg* at column 6, lines 29-33 and column 14, lines 30-36). Each of the drawing views contains a plurality of lines and curves corresponding to the

edges of the three dimensional object (See *Solberg* at column 6, lines 31-35 and column 16, lines 38-42). The raster image also includes symbols and alphanumeric text disposed in the drawing views associated with the plurality of edges and a moiety of the three dimensional object (See *Solberg* at column 6, lines 35-55). The alphanumeric text relates to the physical dimensions of the edges and provides information associated with the lengths, curvatures, and directions of the lines and curves (See *Solberg* at column 16, lines 48-51). The alphanumeric text may also include information associated with a drawing scale of the drawing views (See *Solberg* at column 17, lines 55-59 and column 48, lines 65-66). The raster files and the alphanumeric text and symbols contained therein are recognized and converted into mathematically accurate three dimensional symbol vectors representing the physical dimensions and the edges (See *Solberg* at column 7, lines 5-13). The alphanumeric text is recognized by optical character recognition software (See *Solberg* at column 26, line 66 – column 27, line 9) and the symbols are recognized by optical symbol recognition software and a symbol library (See *Solberg* at column 29, lines 14-39). The symbols are recognized and converted to vector symbols (See *Solberg* at column 51, lines 16-19). A plurality of mathematically accurate vectors is created to represent the three dimensional object (See *Solberg* at column 7, lines 23-29).

During the conversion of a raster file, the raster files may be individually imported and checked for accuracy by a user (See *Solberg* at column 25, lines 8-13 and 36-38). The user may check and adjust the scale of a particular raster file before the three dimensional object is created. (See *Solberg* at column 25, lines 38-53).

Patentability of the Independent Claims

Although *Solberg* relates to scanning a source document and rendering a digital image, *Solberg* fails to teach or suggest "receiving drawing input from a user comprising a line or a shape" and "calculating a true scale measurement of the drawn line or shape based at least in part on recorded scale information," as recited by independent Claim 1. The Office Action cites to Figs. 4, 6, and 8 of *Solberg* in order to argue that *Solberg* teaches the receipt of drawing input comprising a line or a shape from a user and calculating a true scale measurement of the drawn line or shape based at least in part on the scale information. Figs. 4 and 6 of *Solberg* relate to the receipt of user input of parameters to set up a CAD file, to organize and name the different raster

files into CAD viewpoints, and to choose scale settings for the imported raster files (See generally *Solberg* at column 24, line 50 – column 25, line 53 and column 41, line 18 – column 42, line 26). However, Figs. 4 and 6 do not teach or suggest the receipt of drawing input from a user comprising a line or a shape, as recited by independent Claim 1. Additionally, Figs. 4 and 6 do not teach the calculation of a true scale measurement of the drawn line or shape or the presentation of the true scale measurement to the user, as recited by independent Claim 1.

Fig. 8 of *Solberg* and its associated text describes the symbol library that is utilized by *Solberg*. A symbol that is present in a scanned raster image is recognized in *Solberg* and located in the symbol library and a vector-based shape from the symbol library may be inserted for the symbol when rendering the three dimensional drawing of *Solberg* (See *Solberg* at column 29, lines 14-39). The insertion of a vector-based shape that is pre-stored in a symbol library for a symbol does not teach or suggest the receipt of drawing input from a user comprising a line or shape, as recited by independent Claim 1. In *Solberg*, a user may create vector shapes that will be associated with symbols in the symbol library using standard AUTOCAD commands (See *Solberg* at column 30, lines 10-26); however, there is no teaching or suggestion in *Solberg* of calculating a true scale measurement of any part of the vector shape based at least in part on the scale information associated with the digital image, as recited by independent Claim 1. Additionally, there is no teaching or suggestion in *Solberg* of presenting the true scale measurement to the user, as recited by independent Claim 1.

The only references to scale in *Solberg* relate to the scale that is utilized during the conversion of raster file images into a mathematically accurate three dimensional view. In *Solberg*, a scale may be imported from a raster file or input by a user. If the scale is imported from a raster file, then the scale may be checked and adjusted by a user (See *Solberg* at column 25, lines 38-40). In order to check the scale of an imported raster image, the user selects two points of the raster image and compares the apparent length between two points to a known physical dimension (i.e., alphanumeric text) that is recorded on the document (See *Solberg* at column 25, lines 38-40). If the apparent length and the known physical dimension are essentially equal, then the drawing scale is correct (See *Solberg* at column 25, lines 40-44). The checking and adjustment of a scale in *Solberg* does not involve any drawing input comprising a line or a shape that is received from the user. In marked contrast, the user simply selects two points of an

existing line in the raster file that has a known length or dimension associated with it and compares the apparent length of the existing line to the known dimension. Additionally, even if the selection of points by a user is considered to be drawing input comprising a line or a shape, there is no teaching or suggestion in *Solberg* of a calculation of a true scale measurement of the drawn line or shape based at least in part on scale information associated with the image.

The claimed invention is markedly different than *Solberg* because the claimed invention is capable of rendering a digital image, receiving drawing input from a user comprising a line or a shape, and calculating a true scale measurement of the drawn line or shape based at least in part on scale information associated with the rendered image. Thus, the claimed invention enables the measurement of lengths and area from a rendered digital drawing in true scale. *Solberg* fails to teach or suggest the calculation of true scale measurements of lines or shapes that a user inputs for a rendered digital image.

For at least the reasons stated above, the Applicant respectfully asserts that independent Claim 1 is not anticipated by the *Solberg* reference and, therefore, is in condition for allowance. Because Claims 2-5 depend from independent Claim 1, those claims are likewise allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

Independent Claims 6, 10, and 15 include recitations similar to those of independent Claim 1. Specifically, independent Claims 6, 10, and 15 recite, among other things, the receipt of drawing input from a user comprising a line or a shape, the calculation of a true scale measurement of the drawn line or shape based at least in part on recorded scale information, and the presentation of the true scale measurement to a user. Accordingly, the Applicant respectfully submits that independent Claims 6, 10, and 15 are allowable for the same reasons set forth above with respect to independent Claim 1. Further, because Claims 7-9, 11-14, and 16-18 depend from independent Claims 6, 10, and 15 respectively, the Applicant asserts those claims are also allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

Patentability of Dependent Claims 3, 12, and 17

Applicant respectfully submits that *Solberg* fails to anticipate the recitations of dependent Claims 3, 12, and 17. Dependent Claims 3, 12, and 17 recite "embedding the scale information in the header of the digital image." There is no mention in *Solberg* of embedding scale information in a file header of the digital image. Fig. 5 of *Solberg*, which was cited by the Office Action to anticipate dependent Claims 3, 12, and 17 does not illustrate a file header. In marked contrast, FIG. 5 illustrates user input of parameters associated with setting up a CAD drawing and CAD viewpoints associated with the various raster files of *Solberg*. Additionally, there is no mention of embedding scale information in a file header anywhere in the *Solberg* reference. Moreover, these dependent claims ultimately depend from independent claims for which arguments of patentability have been provided above. Accordingly, Applicant respectfully asserts that dependent Claims 3, 12, and 17 are patentable over *Solberg* for at least the foregoing reasons.

Patentability of Dependent Claims 5, 9, and 13

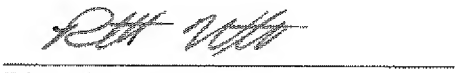
Applicant respectfully submits that *Solberg* fails to anticipate the recitations of dependent Claims 5, 9, and 13. Dependent Claims 5, 9, and 13 recite "embedding scale information associated with a stored digital image in a header of a TIFF image." There is no mention of a TIFF image or a TIFF format in the *Solberg* reference. The section of *Solberg* cited by the Office Action to anticipate Claims 5, 9, and 13 relates to a GIF format rather than a TIFF format (See *Solberg* at column 19, lines 45-67). Unlike the TIFF format, the GIF format does not permit the storing of header file information. Additionally, as mentioned above with reference to dependent Claims 3, 12, and 17, there is no mention of embedding scale information in a file header anywhere in the *Solberg* reference. Moreover, these dependent claims ultimately depend from independent claims for which arguments of patentability have been provided above. Accordingly, Applicant respectfully asserts that dependent Claims 5, 9, and 13 are patentable over *Solberg* for at least the foregoing reasons.

## CONCLUSION

The Applicant believes that each matter raised by the Examiner has been addressed. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by telephone conference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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**Date: September 19, 2007**

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